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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 46320
	:	
Gabriel COHEN	:	Confirmation Number: 8004
	:	
Application No.: 10/686,487	:	Group Art Unit: 2176
	:	
Filed: October 15, 2003	:	Examiner: J. Debrow
	:	
For: INDICATING FOCUS IN A PORTAL ENVIRONMENT	:	

**APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed February 28, 2007, and in response to the Examiner reopening prosecution in the Office Action dated July 2, 2007, wherein Appellant appeals from the Examiner's rejection of claims 1-16.

**I. REAL PARTY IN INTEREST**

This application is assigned to IBM Corporation by assignment recorded on October 15, 2003, at Reel 014618, Frame 0419.

**II. RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of any related appeals and interferences.

### **III. STATUS OF CLAIMS**

Claims 1-16 are pending and four-times rejected in this Application. It is from the multiple rejections of claims 1-16 that this Appeal is taken.

### **IV. STATUS OF AMENDMENTS**

The claims have not been amended subsequent to the imposition of the Fourth Office Action dated July 2, 2007 (hereinafter the Fourth Office Action).

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Referring to Figure 3 and to independent claims 1 and 12, a method for indicating input focus in a portal environment is disclosed. An unfocused style is assigned to all unfocused portlets in a portal except for a focused portlet having input focus (page 12, lines 6-10 of Appellant's disclosure). In block 350, a focused style is assigned to the focused portlet having input focus (page 12, lines 21-23). In block 360, the focused and unfocused portlets in the portal are rendered (page 12, line 23 through page 13, line 3). Responsive to a new portlet in the portal acquiring the input focus from the focused portlet, in block 350, re-assigning the focused style to the new portlet (page 12, lines 21-23) while, in block 330, re-assigning the unfocused style to the focused portlet which no longer has input focus (page 12, lines 17-19). In block 360, the new portlet and the focused portlet which no longer has input focus are re-rendered in the portal according to the styles (page 12, line 23 through page 13, line 5).

Referring to Figure 2 and to independent claim 6, a system for indicating input focus in a portal environment is disclosed. The system includes a focused style sheet 210, an unfocused style sheet 220 (page 11, lines 4-5), a portal 250, a global indicator 260, and a global script 270.

The portal 250 defines a plurality of portlets 230 (page 10, lines 15-16). The portlets 230 comprise a single focused portlet 230 configured for rendering according to the focused style sheet 210, and a remaining set of unfocused portlets 230 configured for rendering according to the unfocused style sheet 210 (page 12, lines 3-10). The global indicator 260 is disposed within the portal 250 to specify the single focused portlet (page 12, lines 5-6). The global script 270 is disposed within the portal 250 and is programmed to change the global indicator 260 to specify a newly focused portlet 230 when the newly focused portlet 230 acquires input focus from the single focused portlet 230 (page 12, lines 13-14). The global script 270 is also programmed to re-render the newly focused portlet 230 in the portal 250 according to the focused style sheet 210 and to re-render the single focused portlet 230 in the portal 250 according to the unfocused style sheet 220 (page 12, lines 23 through page 13, line 5).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claim 1 was rejected under 35 U.S.C. § 102 for anticipation based upon Martin et al., U.S. Patent No. 7,174,512 (hereinafter Martin);
2. Claim 12 was rejected under 35 U.S.C. § 102 for anticipation based upon Fukuda et al., U.S. Patent Publication No. 2004/0107449 (hereinafter Fukuda);
3. Claims 2 was rejected under 35 U.S.C. § 103 for obviousness based upon Martin in view of Gajewska et al., U.S. Patent Publication No. 2002/0175951 (hereinafter Gajewska);
4. Claims 6-7, 10-11 and 13 were rejected under 35 U.S.C. § 103 for obviousness based upon Fukuda in view of Gajewska;
5. Claims 3 and 5 were rejected under 35 U.S.C. § 103 for obviousness based upon Martin in view of Gajewska and Ito et al., U.S. Patent Publication No. 2003/0084405 (hereinafter Ito);

6. Claims 9, 14 and 16 were rejected under 35 U.S.C. § 103 for obviousness based upon Fukuda in view of Gajewska and Ito;

7. Claim 4 was rejected under 35 U.S.C. § 103 for obviousness based upon Martin in view of Gajewska, Ito and further in view of Griffin, U.S. Patent Publication No. 2003/0126558 (hereinafter Griffin); and

8. Claims 8 and 15 were rejected under 35 U.S.C. § 103 for obviousness based upon Fukuda in view of Gajewska, Ito and further in view of Griffin.

## **VII. ARGUMENT**

### **THE REJECTION OF CLAIM 1 UNDER 35 U.S.C. § 102 FOR ANTICIPATION BASED UPON MARTIN**

For convenience of the Honorable Board in addressing the rejections, claim 1 stands or falls alone.

At the outset, Appellant notes that Martin is only newly cited reference in the Fourth Office Action, in which the Examiner reopened prosecution after Appellant submitted the First Appeal Brief. All the other cited references (e.g., Fukuda, Gajewska, Ito, and Griffin) were already cited in the Third Office Action.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either explicitly or inherently, of each element of a claimed invention in a single reference.<sup>1</sup> Moreover, the anticipating prior art reference must describe the recited invention

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<sup>1</sup> *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); *Perkin-Elmer Corp. v. Computervision Corp.*, 732 F.2d 888, 894, 221

with sufficient clarity and detail to establish that the claimed limitations existed in the prior art and that such existence would be recognized by one having ordinary skill in the art.<sup>2</sup> As part of this analysis, the Examiner must (a) identify the elements of the claims, (b) determine the meaning of the elements in light of the specification and prosecution history, and (c) identify corresponding elements disclosed in the allegedly anticipating reference.<sup>3</sup> This burden has not been met. Moreover, the Examiner has failed to clearly designate the teachings in Martin being relied upon the statement of the rejection. In this regard, the Examiner's rejection under 35 U.S.C. § 102 also fails to comply with 37 C.F.R. § 1.104(c), which reads:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

The Examiner's newly cited and primary reference of Martin, however, suffers from nearly the same defects as the Examiner's previous primary reference of Fukuda. Independent claim 1 initially recites the step of "assigning an unfocused style to all unfocused portlets in a portal except for a focused portlet having input focus." To allegedly identically disclose this limitation, the Examiner asserted the following on page 4 of the Fourth Office Action:

col. 3, lines 19-62; Martin disclose when a cell/portlet within the portal is deselected, the focus is gained by another cell/portlet. Thus, assigning an unfocus style to the portlet.

Upon reviewing the Examiner's cited passage of column 3, lines 19-62, Appellant notes a complete absence of an explicit or even fleeting mention of "an unfocused style," corresponding

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USPQ 669, 673 (Fed. Cir. 1984).

<sup>2</sup> See *In re Spada*, 911 F.2d 705, 708, 15 USPQ 1655, 1657 (Fed. Cir. 1990); *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 678, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988).

<sup>3</sup> *Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).

to that claimed. Moreover, the Examiner's cited passage is silent as to assigning styles to portlets, focused or not.

In this regard, Appellant notes that the description found in column 3, lines 19-62 of Martin is very similar to the description found paragraph [0064] of Fukuda, which the Examiner relied on in the Third Office Action to teach these very same limitations. Thus, Appellant respectfully submits that although the Examiner has reopened prosecution based upon the newly cited reference of Martin, the Examiner's newly cited reference of Martin suffers from the same defects as the Examiner's previously cited reference of Fukuda. Thus, Martin fails to identically disclose the claimed invention, as recited in claim 1, within the meaning of 35 U.S.C. § 102.

The Examiner cited the same passage in Martin (i.e., column 3, lines 19-62) to teach the claimed "further assigning a focused style to said focused portlet having input focus." However, as already noted above, Martin is silent as to assigning styles to portlets, focused or not. Although Martin describes moving an indicator (see lines 45-47 of column 3) to indicate the particular cell that has focus, this is not comparable to assigning a style to a focused portlet. Thus, Martin further fails to identically disclose the claimed invention, as recited in claim 1, within the meaning of 35 U.S.C. § 102.

The last clause in independent claim 1 is the following:

responsive to a new portlet in said portal acquiring said input focus from said focused portlet, re-assigning said focused style to said new portlet while re-assigning said unfocused style to said focused portlet which no longer has input

focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said styles.

Again, the Examiner cited column 3, lines 19-62 of Martin and asserted the following on page 4 of the Fourth Office Action:

Martin disclose when a cell/portlet is selected, it gains focus. Martin also disclose when a cell/portlet within the portal is deselected, the focus is gained by another cell/portlet, thus, assigning an unfocus style to the cell/portlet. Therefore in response to a new portlet in said portal acquiring said input focus from said focused portlet, inherently the process of re-assigning said focused style to said new portlet re-assigning said unfocused style to said focused portlet which no longer has input focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said styles would occur.

As noted above, Martin is silent as to assigning styles to portlets, focused or not. In this regard, Appellant notes that other techniques exist for indicating, to a user, the focus of a cell than that of assigning a style to the focused and unfocused portlets. In fact, both Martin and Fukuda teaches techniques for indicating, to a user, the focus of a cell that do not involve assigning a style to the focused and unfocused portlets. The Examiner's analysis falsely presumes that a style is assigned/unassigned to the various cells based upon a focus change.

In this regard, it appears that the Examiner is making a factually unsupported inherency argument. If so, the Examiner's reliance upon the doctrine of inherency to disclose these features is misplaced. Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient to establish inherency.<sup>4</sup> To establish inherency, the extrinsic evidence must make clear that the missing elements must necessarily be present in the thing described in the reference, and that the

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<sup>4</sup> In re Rijkkaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); In re Oelrich, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981).



necessity of the feature's presence would be so recognized by persons of ordinary skill.<sup>5</sup> Furthermore, reference is made to ex parte Schricker,<sup>6</sup> in which the Honorable Board stated the following:

However, when an examiner relies on inherency, it is incumbent on the examiner to point to the "page and line" of the prior art which justifies an inherency theory. Compare, In re Rijckaert, 9 F.3d 1531, 1533, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (when the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the prior art); In re Yates, 663 F.2d 1054, 107, 211 USPQ 1149, 1151 (CCPA 1981).

The Examiner did not discharge that burden of indicating where such a teaching appears in the prior art. Thus, the Examiner has not established that these limitations are inherently disclosed by Martin.

Therefore, for the reasons submitted above, Appellant respectfully submits that the Examiner has failed to establish that Martin identically discloses the claimed invention, as recited in claim 1, within the meaning of 35 U.S.C. § 102.

**THE REJECTION OF CLAIM 12 UNDER 35 U.S.C. § 102 FOR ANTICIPATION BASED UPON FUKUDA**

For convenience of the Honorable Board in addressing the rejections, and claim 12 stands or falls alone.

At the outset, Appellant notes that independent claim 12 is substantially similar to independent claim 1 with a difference being that claim 1 recites unfocused style and focused

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<sup>5</sup> Finnegan Corp. v. ITC, 180 F.3d 1354, 51 USPQ2d 1001 (Fed. Cir. 1999); In re Robertson, 169 F.3d 743, 745 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999); Continental Can Co. USA v. Monsanto Co., 20 USPQ 2d 1746 (Fed. Cir. 1991); Ex parte Levy, 17 USPQ2d 1461 (BPAI 1990).

<sup>6</sup> 56 USPQ2d 1723, 1725 (BPAI 2000).

style whereas claim 12 recites unfocused style sheet and focused style sheet. Claim 1 is also directed to a method including certain steps whereas claim 12 is directed to a machine readable storage including a routine set of instructions for causing the machine to perform the certain steps. Thus, similar to claim 1, the first step recited in claim 12 is "assigning an unfocused style to all unfocused portlets in a portal except for a focused portlet having input focus." To teach this limitation, the Examiner asserted the following on page 5 of the Fourth Office Action:

0064; Fukuda teaches a focus style is configured such that a style sheet is used to specify the style of the focus. Using the broadest reasonable interpretation, the Examiner concludes that the style sheet is used to configure both focused and unfocused styles. At the time of the invention it would have been obvious to the skilled artisan that the unfocused style is typically considered as the default style and therefore may or may not be defined within the content style sheet specification. (emphasis added)

There are several flaws in the Examiner's analysis. First the Examiner's "broadest reasonable interpretation" is not an interpretation, but instead, an attempt to import, into paragraph [0064] of Fukuda, a teaching that does not exist. The Examiner's conclusion "that the style sheet is used to configure both focused and unfocused styles" is entirely factually unsupported.

In this regard, Appellant will reproduce certain of the arguments previously presented in the First Appeal Brief in response to the Examiner's prior assertion that paragraph [0064] identically discloses this particular limitation. On page 3 of the Third Office Action with regard to the teachings of Fukuda, the Examiner asserted the following:

*assigning an unfocused style to all unfocused portlets in a portal except for a focused portlet having input focus* (0064; Fukuda teaches a focus style is configured such that a style sheet is used to specify the style of the focus. At the time of the invention it would have been obvious to a person of ordinary skill in the art that Fukuda teaching of a focus style sheet as applied to a focused portlet could also be applied as an unfocused style sheet to an unfocused portlet.) (italics in original) (underlines added).

Upon comparing the above passage to the Examiner's statement of the rejection on page 4 of the Second Office Action with regard to the same claimed limitation, the above-underlined portion of this passage is the only difference between the statement of the rejections.

In the last full paragraph on page 4 of the Request for Reconsideration dated September 7, 2006, Appellant presented the following arguments with regard to the Examiner citing paragraph [0064] of Fukuda to teach the limitation identified in italics in the above-reproduced passage.

Notwithstanding Gajewska not teaching those limitations for which Gajewska is being relied upon in the statement of the rejection to teach, Appellant notes that the Examiner cited paragraph [0064] of Fukuda to teach the limitations reproduced above. Paragraph [0064] refers to Fig. 7, which does not illustrate portlets in a portal environment, given the ordinary and customary meanings of those terms by one having ordinary skill in the art. Instead, Fig. 7 and paragraph [0064] of Fukuda teach the display of "streaming programs 702," which have not been established by the Examiner to be comparable to the claimed portlets.

Moreover, the claimed invention recites that the focused/unfocused style is assigned to the portlets (either the focused portlet or the unfocused portlet). Fukuda, however, does not teach or suggest these limitations. Instead, Fukuda teaches that a focus 704 is "shifted by using the cursor keys 202 of the remote control unit 116." Although Fukuda teaches that "a style sheet is used to specify the style of the focus," Fukuda is silent as to the style being applied to one of the streaming programs 702 (i.e., the Examiner's alleged portlets). Instead the style found in the

style sheet is applied to the focus 704. Still further, although Fukuda teaches a style sheet used with a focus 704 (i.e., the Examiner's alleged "focused style"), the Examiner has failed to establish that Fukuda teaches the claimed "unfocused style."

The Examiner's response to these arguments in the Second Response is found in the paragraph spanning pages 25 and 26 of the Third Office Action and reproduced below:

Again, the applicant is trying show nonobviousness by attacking references individually where the rejections are based on combinations of references. As stated above Fukuda teaches a focus style is configured such that a style sheet is used to specify the style of the focus. At the time of the invention it would have been obvious to a person of ordinary skill in the art that Fukuda teaching of a focus style sheet as applied to a focused portlet could also be applied as an unfocused style sheet to an unfocused portlet (0064) (emphasis added)

At the outset, Appellant is unclear as to why arguing Fukuda fails to disclose a particular feature for which the Examiner is relying upon Fukuda to teach is improper.

For example, if the Examiner admits that Reference A fails to teach or suggest features X and Y, and the Examiner then relies upon Reference B to teach features X and Y, then the Examiner is not relying upon the combination of references A and B to teach features X and Y. Instead, the Examiner is relying solely on Reference B to teach features X and Y. Therefore, it is proper for Appellant to argue that Reference B fails to teach features X and Y. This is exactly what Appellant has done in the Second Response. At the very top of page 4 of the Second Office Action, the Examiner admits that Gajewska fails to disclose certain claimed features. Then Examiner then relies solely upon Fukuda to teach these features. Thus, the Examiner is not relying upon the combination of references A and B to teach these particular features. Instead, the Examiner is relying solely upon Fukuda to teach these features.

With regard to the substance of the Examiner's argument, Appellant notes that the underlined portion above is essentially identical to the new passage that the Examiner included on page 4 of the statement of the rejection in the Third Office Action. In this regard, Appellant notes that the Examiner implicitly admits that Fukuda fails to teach this limitation for which the Examiner has relied upon Fukuda to teach in both rejections. The Examiner then relies upon an obviousness argument to establish a teaching of this limitation.

Notwithstanding the Examiner's improper obviousness assertion and the Examiner failing to address the substance of Appellant's arguments on pages 4 and 5 of the Second Response, the following review of paragraph [0064] of Fukuda clarifies the teachings of Fukuda and why these teachings fail to teach or suggest the limitation for which Fukuda is being relied upon by the Examiner. For ease of reference, paragraph [0064] is reproduced below in its entirety:

[0064] FIG. 7 shows a display 700 of BML carousel data of a multi-screen program which is transmitted via broadcast waves. The display 700 includes the title 701 of the multi-screen program. The title 701 may be described in BML as characters or may be incorporated in BML as an image. Streaming programs are represented by frames 702. Each of the streaming programs 702 has a program title 703 which is described in BML as characters. A streaming program selected by a user is distinguished using a focus 704, and the focus 704 can be shifted by using the cursor keys 202 of the remote control unit 116. A navigation index and focus style are used to clearly show which streaming program frame 702 is focused, and to precisely describe how the focus 704 moves. The navigation index is configured such that each object is assigned an ID and the target object of the focus 704 is described using Nav-Up, Nav-Down, Nav-Left, and Nav-Right attributes. The focus style is configured such that a style sheet is used to specify the style of the focus, thus allowing a user to distinctly know where the focus 704 is applied. (emphasis added)

Referring to the first underlined sentence, the focus 704 is not applied to the frames 702 (i.e., the Examiner's alleged portlets). Instead the focus 704 is a separate object that can be separately moved using the cursor keys 202 of the remote control unit 116. As described in the second underlined sentence, the style of the focus 704 is configured using a style sheet. Absent from these teachings within Fukuda is (i) a teaching that the style sheet is applied to the frames 702 (i.e., the Examiner alleged portlets) and (ii) a teaching that an unfocused style is separately

applied to the frames 702. Instead, Fukuda teaches that the style sheet is applied to the focus 704, which is a separate object from the frames 702.

These above-reproduced arguments were presented in the First Appeal Brief. Despite these arguments being germane to the present rejection, the Examiner did not respond, either directly or indirectly, to these arguments.

Appellant also notes that the present rejection in the Fourth Office Action is made under 35 U.S.C. § 102. However, referring to the underlined portion of the above-reproduced assertions by the Examiner, the Examiner is employing an obviousness argument, which is inappropriate for a rejection under 35 U.S.C. § 102.

Appellant also notes that claim 12 was previously rejected under 35 U.S.C. § 103 for obviousness based upon Fukuda in view of Gajewska. Thus, the Examiner is now asserting that Fukuda is identically discloses a feature that the Examiner once recognized that Fukuda does not identically disclose. Specifically, referring to the second full paragraph on page 11 of the Third Office Action, the Examiner previously asserted the following as to independent claim 12:

*Fukuda does not disclose expressly rendering said focused and unfocused portlets in said portal; and, response to a new portlet in said portal acquiring said input focus from said focused portlet, re-assigning said focused style sheet to said new portlet while re-assigning said unfocused style sheet to said focused portlet which no longer has input focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said style sheets.*

In the paragraph spanning pages 5 and 6 of the Fourth Office Action, the Examiner asserted the following with regard to this limitation:

*rendering said focused and unfocused portlets in said portal; and, responsive to a new portlet in said portal acquiring said input focus from said focused portlet, re-assigning said*

*focused style sheet to said new portlet while re-assigning said unfocused style sheet to said focused portlet which no longer has input focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said style sheets (0064; Fukuda teaches a focus style is configured such that a style sheet is used to specify the style of the focus. In response to a new portlet in said portal acquiring said input focus from said focused portlet, inherently the process of re-assigning said focused style to said new portlet re-assigning said unfocused style to said focused portlet which no longer has input focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said styles would occur.). (italic in original, underline added)*

The Examiner's analysis is simply that this limitation is inherently disclosed by Fukuda. The Examiner's reliance on the doctrine of inherency, however, is misplaced. The Examiner has failed to set forth extrinsic evidence that makes clear that the missing elements must necessarily be present in the thing described in the reference, and that the necessity of the feature's presence would be so recognized by persons of ordinary skill. Thus, the Examiner has not established that these limitations are inherently disclosed by Fukuda.

Therefore, for the reasons submitted above, Appellant respectfully submits that the Examiner has failed to establish that Fukuda identically discloses the claimed invention, as recited in claim 12, within the meaning of 35 U.S.C. § 102.

**THE REJECTION OF CLAIM 2 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON  
MARTIN IN VIEW OF GAJEWSKA**

For convenience of the Honorable Board in addressing the rejections, and claim 2 stands or falls together with independent claim 1.

Claim 2 depends from independent claim 1, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Martin. The secondary reference to Gajewska does not cure the

argued deficiencies of Martin. Accordingly, even if one having ordinary skill in the art were motivated to combine the applied prior art in the manner suggested by the Examiner, the claimed invention would not result from the combination of Martin and Gajewska. Appellant, therefore, respectfully submit that the imposed rejection of claim 2 under 35 U.S.C. § 103 for obviousness based upon Martin in view of Gajewska is not viable.

**THE REJECTION OF CLAIMS 6-7, 10-11 AND 13 UNDER 35 U.S.C. § 103 FOR  
OBVIOUSNESS BASED UPON FUKUDA IN VIEW OF GAJEWSKA**

For convenience of the Honorable Board in addressing the rejections, and claims 6-7, 10-11 and 13 stand or fall together with independent claim 12.

At the outset, Appellant notes that this rejection is identical to a rejection that the Examiner presented in the Third Office Action to which Appellant responded to in the First Appeal Brief. As noted in the First Appeal Brief, independent claim 6 is substantially similar to independent claim 1, which is also substantially similar to claim 12 for the reasons discussed above. Appellant, therefore, incorporates herein the arguments presented above with regard to claim 12 as also applying to claim 6. For example, the Examiner relied upon Fukuda to teach both a focused style sheet and an unfocused style sheet. However, as previously noted, Fukuda only discloses "a style sheet [that] is used to specify the style of the focus" (last line in paragraph [0064]). Thus, Fukuda is silent with regard to both a focused style sheet and an unfocused style sheet. Therefore, even if Fukuda were modified in view of Gajewska, the claimed invention would not result. Moreover, as argued in the First Appeal Brief, the Examiner has failed to set forth a proper prima facie case of obviousness for failure to establish a realistic rationale why



one having ordinary skill in the art would modify Fukuda in view of Gajewska to arrive at the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 6-7, 10-11, and 13 under 35 U.S.C. § 103 for obviousness based upon Fukuda in view of Gajewska is not viable.

**THE REJECTION OF CLAIMS 3 AND 5 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MARTIN IN VIEW OF GAJEWSKA AND ITO**

For convenience of the Honorable Board in addressing the rejections, and claims 3 and 5 stand or fall together with independent claim 1.

Claims 3 and 5 depend from independent claim 1, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Martin. The tertiary references to Gajewska and Ito do not cure the argued deficiencies of Martin. Accordingly, even if one having ordinary skill in the art were motivated to combine the applied prior art in the manner suggested by the Examiner, the claimed invention would not result from the combination of Martin, Gajewska, and Ito. Appellant, therefore, respectfully submits that the imposed rejection of claims 3 and 5 under 35 U.S.C. § 103 for obviousness based upon Martin in view of Gajewska and Ito is not viable.

**THE REJECTION OF CLAIMS 9, 14, AND 16 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON FUKUDA IN VIEW OF GAJEWSKA AND ITO**

For convenience of the Honorable Board in addressing the rejections, and claims 9, 14, and 16 stand or fall together with independent claim 12.

Claims 9, 14, and 16 respectively depend from independent claims 6 and 12, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 6 and 12 based upon Fukuda in view of Gajewska and Fukuda alone. The tertiary references to Gajewska and Ito do not cure the argued deficiencies of Fukuda. Accordingly, even if one having ordinary skill in the art were motivated to combine the applied prior art in the manner suggested by the Examiner, the claimed invention would not result from the combination of Fukuda, Gajewska, and Ito. Appellant, therefore, respectfully submits that the imposed rejection of claims 9, 14, and 16 under 35 U.S.C. § 103 for obviousness based upon Fukuda in view of Gajewska and Ito is not viable.

**THE REJECTION OF CLAIM 4 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON  
MARTIN IN VIEW OF GAJEWSKA, ITO, AND GRIFFIN**

For convenience of the Honorable Board in addressing the rejections, and claim 4 stands or falls together with independent claim 1.

Claim 4 depends from independent 1, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Martin. The additional references to Gajewska, Ito and Griffin do not cure the argued deficiencies of the prior rejections. Accordingly, even if one having ordinary skill in the art were motivated to combine the applied prior art, the claimed invention would not result from the

combination of Martin, Gajewska, Ito, and Griffin. Appellant, therefore, respectfully submits that the imposed rejection of claim 4 under 35 U.S.C. § 103 for obviousness based upon Martin in view of Gajewska, Ito, and Griffin is not viable.

**THE REJECTION OF CLAIMS 8 AND 15 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON FUKUDA IN VIEW OF GAJEWSKA, ITO, AND GRIFFIN**

For convenience of the Honorable Board in addressing the rejections, and claims 8 and 15 stand or fall together with independent claim 12.

Claims 8 and 15 respectively depend from independent 6 and 12, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejections of claims 6 and 12 based upon Fukuda in view of Gajewska and Fukuda alone. The additional references to Ito and Griffin do not cure the argued deficiencies of the prior rejections. Accordingly, even if one having ordinary skill in the art were motivated to combine the applied prior art, the claimed invention would not result from the combination of Fukuda, Gajewska, Ito, and Griffin. Appellant, therefore, respectfully submits that the imposed rejection of claims 8 and 15 under 35 U.S.C. § 103 for obviousness based upon Fukuda in view of Gajewska, Ito, and Griffin is not viable.

**Conclusion**

Based upon the foregoing, Appellant respectfully submits that the Examiner's rejections under 35 U.S.C. §§ 102, 103 based upon the applied prior art are not viable. Appellant, therefore, respectfully solicits the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. §§ 102, 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: October 2, 2007

Respectfully submitted,

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## **VIII. CLAIMS APPENDIX**

1. A method for indicating input focus in a portal environment, the method comprising the steps of:

assigning an unfocused style to all unfocused portlets in a portal except for a focused portlet having input focus;

further assigning a focused style to said focused portlet having input focus;

rendering said focused and unfocused portlets in said portal; and,

responsive to a new portlet in said portal acquiring said input focus from said focused portlet, re-assigning said focused style to said new portlet while re-assigning said unfocused style to said focused portlet which no longer has input focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said styles.

2. The method of claim 1, further comprising the steps of:

defining a unique identifier in each portlet in said portal;

specifying a global focus identifier with a unique identifier of said focused portlet; and,

responsive to said new portlet in said portal acquiring said input focus, re-specifying said global focus identifier with a unique identifier of said new portlet.

3. The method of claim 2, further comprising the step of performing said re-assigning and re-rendering steps through a script embedded in said portal.

4. The method of claim 3, further comprising the steps of:

defining said portal in a markup language document;

defining a divisible section of said markup language document for each of said focused and unfocused portlets; and,

performing said assigning and further assigning steps by specifying a class attribute for each of said focused and unfocused portlets, said class attribute corresponding to a style sheet selected from the group consisting of a focused style sheet and an unfocused style sheet.

5. The method of claim 3, further comprising the step of associating said script with each event attribute in a divisible section which indicates when a corresponding one of said focused and unfocused portlets has acquired said input focus.

6. A system for indicating input focus in a portal environment, the system comprising:

a focused style sheet and an unfocused style sheet;

a portal defining a plurality of portlets, said portlets comprising a single focused portlet configured for rendering according to said focused style sheet, and a remaining set of unfocused portlets configured for rendering according to said unfocused style sheet;

a global indicator disposed within said portal specifying said single focused portlet; and,

a global script disposed within said portal programmed to change said global indicator to specify a newly focused portlet when said newly focused portlet acquires input focus from said single focused portlet, to re-render said newly focused portlet in said portal according to said focused style sheet and to re-render said single focused portlet in said portal according to said unfocused style sheet.

7. The system of claim 6, wherein said focused style sheet and unfocused style sheet are defined according to a content style sheet specification.

8. The system of claim 6, wherein said portal comprises markup comprising a plurality of divisible sections, each of said divisible sections defining a single one of said portlets.

9. The system of claim 8, wherein each of said divisible sections comprises a set of attributes, at least one of said attributes specifying a class corresponding to one of said focused style sheet and unfocused style sheet.

10. The system of claim 9, wherein at least one said attributes specifies a unique identifier for said single one of said portlets.

11. The system of claim 9, wherein at least one of said attributes associates said global script with an event which occurs when said single one of said portlets acquires user input focus.

12. A machine readable storage having stored thereon a computer program for indicating input focus in a portal environment, the computer program comprising a routine set of instructions for causing the machine to perform the steps of:

assigning an unfocused style sheet to all unfocused portlets in a portal except for a focused portlet having input focus;

further assigning a focused style sheet to said focused portlet having input focus;

rendering said focused and unfocused portlets in said portal; and,

responsive to a new portlet in said portal acquiring said input focus from said focused portlet, re-assigning said focused style sheet to said new portlet while re-assigning said unfocused style sheet to said focused portlet which no longer has input focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said style sheets.

13. The machine readable storage of claim 12, further comprising the steps of:  
defining a unique identifier in each portlet in said portal;  
specifying a global focus identifier with a unique identifier of said focused portlet; and,  
responsive to said new portlet in said portal acquiring said input focus, re-specifying said global focus identifier with a unique identifier of said new portlet.

14. The machine readable storage of claim 13, further comprising the step of performing said re-assigning and re-rendering steps through a script embedded in said portal.

15. The machine readable storage of claim 14, further comprising the steps of:  
defining said portal in a markup language document;  
defining a divisible section of said markup language document for each of said focused and unfocused portlets; and,  
performing said assigning and further assigning steps by specifying a class attribute for each of said focused and unfocused portlets, said class attribute corresponding to a style sheet selected from the group consisting of said focused style sheet and said unfocused style sheet.



16. The machine readable storage of claim 14, further comprising the step of associating said script with each event attribute in a divisible section which indicates when a corresponding one of said focused and unfocused portlets has acquired said input focus.

**IX. EVIDENCE APPENDIX**

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

**X. RELATED PROCEEDINGS APPENDIX**

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.